REMARKS

INTERVIEW SUMMARY:

An interview was held between the undersigned, the examiner, and Mr. Robert Morgan on October 15, 2008. The references of the Office Action were discussed. No agreement on claim language was reached.

Claims 88-92, 97-110, 113-118 have been amended. Claims 111-112 have been cancelled without prejudice. New dependent claims 119-122 have been added. Accordingly, claims 88-92, and 97-110 and 113-122 are pending in the application.

The basis for new dependent claims 119-122 may be found at page 6, lines 10-15 and page 18, lines 14-17 and provides an additional means of notification besides the posting. The added element in new claims 120 and 121 is in means plus function format authorized by 35 USC 112. The new element in claims 119 and 122 is step plus function format as authorized by 35 USC 112.

Claim 88 has been amended to add a filtering component and components for automatically assigning in substantially immediate response to receipt of an electronic selection of the specific open position from that qualified worker. See applicant's specification at least at page 6, line 1, page 9, line 2-3, page 16, lines 10-20, page 18, lines 3-10, for the filtering component. For purposes of interpretation, the claims are open-ended, so that, for example, the *"component for filtering"* operates to filter based at least on the worker's qualifications, but additional filtering criteria can also be included, such as filtering to prevent an overlap with a worker's designated vacation period or other period the worker has designated that he/she does not wish to work, for example. Regarding the *"component for automatically assigning,"* see applicant's specification at least at page 16, line 17 – page 17, line 3.

For purposes of interpretation, the claims are open-ended, so that, for example, the *"component for notifying"* includes at least posting to a respective web page of the worker, but may also encompass a parallel notification by another means, such as by telephone or instant messaging via a cell phone, to name a few. See claims 119-122. Likewise, the electronic selection of the open position by the particular worker may be by means of clicking the position on the worker's respective web page associated only with

10

that worker, but could also be accomplished by the particular worker accepting the position by transmitting a signal from the worker's cell phone or other electronic appliance.

Reconsideration and withdrawal of the present rejection is respectfully requested in view of the following:

Claims 88-92, 97-110, 113-114 are based on a filtering process to determine, and then post on respective worker web pages associated only with the respective workers, open positions for which the worker is qualified. Several software components are included in the system to allow for the receipt of a message about a specific open position where a particular worker is designated as a preferred worker for that position, and to update the database. In the situation of a specific preferred worker, the preferred worker is notified by posting on his/her respective web page associated only with that worker with a special marking. A component is included that uses a timing process to assign automatically by computer the specific open position to the preferred worker, in response to a receipt of an electronic selection of the specific open position from the preferred worker during a specified time period. A component is included for assigning automatically by computer the specific open position to any qualified worker in response to receipt of an electronic selection of the specific open position from that worker if the preferred worker who was designated has not selected the specific open position before expiration of the specified time period, i.e., it is opened up to all qualified workers including the preferred worker on the expiration of the time period.

This specific combination of component processes is not disclosed or suggested by either of the references applied by the examiner. Multiple of these component processes are missing.

Thompson discloses in this respect as follows:

> "the server 30 may also generate a listing of opportunities for replacement workers 22 and make the listing available through a web site interface. Replacement workers 22 may access the site and select an assignment." (Column 10, lines 33-42)

Mitsuoka discloses the use of a broker web site that lists jobs to be brokered to contractor translators. Fig. 6 is a drawing of a job page displayed on a client computer when

a contractor translator requests further information about a translation job listed on the generic broker website. At line 61, column 8 –column 9, line 6, it states that the contractor translator receives notifications of jobs via email and may choose to respond by accessing the generic broker web site, reading the description of the job, and applying for the job by clicking an "Apply" button screen on the generic web site.

> "By referring to the stored contractor's e-mail address, job offer notifications can be sent out, for example, by e-mail, to the registered contractors.

> "When the contractor client 200 has received a job offer notification, the contractor can access the broker site with the contractor client 200 to check an offered job description on-screen and decide whether to apply for the job or not.

> "Fig. 6 shows a schematic drawing of an example of a screen displayed by the contractor client 200 when a job has been offered. The screen in FIG. 6 is almost the same as the screen in FIG. 3. However, it is not possible to enter information, and the buttons on the lower right of the screen is marked "Apply."

The patentable differences of the claim as a whole over either of these references alone or combined are clear. Claim 97 is a counterpart to claim 88 in method format, and is patentable for the reasons discussed about.

With respect to claims 115-116, the claims are also based on a filtering process to determine, and then post on respective worker web pages associated only with the respective workers, open positions for which the worker is qualified. Several software component processes are included in the system to allow for the receipt of information about specific open positions, and to update the database. A component is provided for notifying each particular worker of open positions for which the worker is qualified by at least posting on his/her respective web page associated only with that worker the open positions. A component is included for assigning automatically by computer the specific open position to any qualified worker in response to receipt of an electronic selection of the specific open position from that worker.

12

Neither Thompson nor Mitsuoka, alone or combined, disclose or suggest this claimed combination as a whole with its substantial advantages. Claims 117-118 are allowable for the same reasons.

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

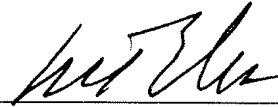Respectfully submitted,

November 10, 2008
Date

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

William T. Ellis
Attorney for Applicant
Registration No. 26,874

13